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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,383	08/05/2003	Christopher P. Desmarais	60130-1776; 03MRA0273	8211
26096	7590	06/02/2005	EXAMINER	
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			KIM, YOON YOUNG	
			ART UNIT	PAPER NUMBER
			1723	

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/634,383

Applicant(s)

DESMARAIS, CHRISTOPHER P.

Examiner

Yoon-Young Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 16-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1104.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, Claims 1-15, drawn to the fluid filter assembly in the reply filed on April 6, 2005 is acknowledged.

Claim Objections

2. Claim 15 is objected to because of the following informalities: "diverter" is misspelled. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 7, 9-13, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Pulek et al.; U.S. Patent No. 5,399,264.

Regarding Claim 1, Pulek discloses a fluid filter assembly comprising: a housing (Fig. 2, #21) having an end and defining a cavity, a first tube (#27) supported by the end and in fluid communication with the cavity; a diverter arranged within the cavity and including first (Fig. 1, #35) and second (#45) sides with the first side proximate to the end, the diverter including a wall (#35) in the first side proximate to the first tube and in sealing engagement with at least one of

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the first tube and the end, the first tube in fluid communication with the second side; and a filter media (#11) having a portion supported by the second side.

Regarding Claim 2, Pulek discloses that the first side wall (#42) is cylindrical and defines an aperture (#36) with an edge of the cylindrical wall in sealing engagement with the end of the housing.

Regarding Claim 3, Pulek discloses that the diverter includes a hole (#37) extending between the first and second sides and in fluid communication with the aperture.

Regarding Claim 4, Pulek discloses that the diverter includes a first material (Col. 6, Lines 45-47) and a second material (Col 5, Lines 47-53) adhered to the first material, the second material defining at least a portion of the first side including the edge of the cylindrical wall.

Regarding Claim 7, Pulek discloses that the filter media (#11) includes a central opening (#14) with the first tube (#27) offset from the central opening, the end supporting a second tube (#30) in fluid communication with the cavity, and the filter media arranged between the first and second tubes.

Regarding Claim 9, Pulek discloses that diverter includes a diverter base (#45) with the wall comprising a gasket (#35) supported by the diverter base.

Regarding Claim 10, Pulek discloses a fluid filter diverter assembly comprising: first (#35) and second (#45) sides spaced from one another; a first material (Col. 6, Lines 45-47) and a second material (Col 5, Lines 47-53) supported on the first material, the second material defining at least a portion of the first side; an adhesive arranged on the second side; and a filter media embedded in the adhesive (Col. 6, Lines 45-47), the first side having a wall defining an aperture (#36) in fluid communication with the second side proximate to the filter media (#11), and the second material defining at least a portion of the wall.

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Regarding Claim 11, Pulek discloses that the first material (Col. 6, Lines 45-47) is a plastic and the second material (Col 5, Lines 47-53) is an elastomer.

Regarding Claim 12, Pulek discloses that the filter media (#11) defines a central opening (#14) and the first side includes a center tube (#31) at least partially within the central opening.

Regarding Claim 13, Pulek discloses that the first side wall (Fig., 1, #42) is cylindrical with an edge of the cylindrical wall defined by the second material (Col 5, Lines 47-53), and including a hole (#37) extending between the first and second sides the in fluid communication the aperture (#36).

Regarding Claim 15, Pulek discloses that the second material is adhered to the first material (Col. 6, Lines 36-47).

5. Claims 1-3, and 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Cuno, U.S. Patent No. 2,031,935.

Regarding Claim 1, Cuno discloses a fluid filter assembly comprising: a housing (Fig. 2, #18, 19) having an end and defining a cavity, a first tube (#25) supported by the end and in fluid communication with the cavity; a diverter arranged within the cavity and including first (#22) and second (#11) sides with the first side proximate to the end, the diverter including a wall (left wall of #29) in the first side proximate to the first tube and in sealing engagement with at least one of the first tube and the end, the first tube in fluid communication with the second side; and a filter media (#16) having a portion supported by the second side.

Regarding Claim 2, Cuno discloses that the first side wall (left wall of #29) is cylindrical and defines an aperture (#25) with an edge of the cylindrical wall in sealing engagement with the end of the housing.

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Regarding Claim 3, Cuno discloses that the diverter includes a hole (receives #10 in #11) extending between the first and second sides and in fluid communication with the aperture.

Regarding Claim 7, Cuno discloses that the filter media (#16) includes a central opening (#10) with the first tube (#25) offset from the central opening, the end supporting a second tube (#26) in fluid communication with the cavity, and the filter media arranged between the first and second tubes.

Regarding Claim 8, Cuno discloses that the housing includes a case (#18) defining the end and a cover (#19) opposite the end secured to the case, the cover supporting a third tube (#21) in fluid communication with the cavity, and the filter media arranged between the second and third tubes.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5-6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pulek in view of Cuno.

Regarding Claims 5-6 and 14, Pulek does not disclose a side wall or a central wall. Cuno teaches a fluid filter assembly comprising a cylindrical wall (left wall of #29), side wall (right wall of #27), and central wall (between #29 and #27). It would have been obvious to one of ordinary skill in the art to modify Pulek with the element of Cuno in order to have the filter cartridge in communication with only the inlet and outlet chambers (Col. 2, Lines 51-58).

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Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yoon-Young Kim whose telephone number is (571) 272-2240. The examiner can normally be reached on 8:30-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YK
05/27/05


W. L. WALKER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700